



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: DECEMBER 22, 2022

IN THE MATTER OF:

Appeal Board No. 625835

PRESENT: RANDALL T. DOUGLAS, MICHAEL T. GREASON, MEMBERS

The Department of Labor issued the initial determination, disqualifying the claimant from receiving benefits, effective January 8, 2022, on the basis that the claimant voluntarily separated from employment without good cause. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There was an appearance by the claimant. By decision filed September 13, 2022 (), the Administrative Law Judge sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board.

Our review of the record reveals that the case should be remanded to hold a further hearing. The record was not sufficiently developed on the initial determination of voluntary separation. At the further hearing, the parties will be afforded the opportunity to testify and provide additional evidence as to the claimant's physical condition and its relation to her voluntary separation.

By this remand order, the parties are placed on notice that additional testimony and evidence will be taken as to the steps that the claimant took to preserve her employment. In so determining, the parties will discuss how the claimant notified the employer of her medical limitations, to whom notice was given, what type of notice was offered, what attempts, if any, were made to seek accommodation from the employer for her medical needs prior to informing

the employer that she resigned as letter carrier, and the employer's response, if any. Any documentary evidence in support of such testimony shall be offered at hearing for entrance into the record after an opportunity for objection.

The Judge will take all testimony and evidence necessary to complete the record.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issue ONLY, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the issue, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

RANDALL T. DOUGLAS, MEMBER

MICHAEL T. GREASON, MEMBER